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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,774	12/30/2003	Gregor K. Frey	6570P044	8721

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
MUSA, ABDELNABI O

ART UNIT	PAPER NUMBER
2446	

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09/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/748,774	FREY ET AL.
Office Action Summary	Examiner	Art Unit	
	ABDELNABI O. MUSA	2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 July 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,5,7,11-15,35-37,39,44-46,54,55,67 and 68_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,5,7,11-15,35-37,39,44-46,54,55,67 and 68_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 December 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _08/04/2009_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Acknowledgment is made for the applicant's response and amendment filed on
07/14/2009.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on
07/14/2009 has been entered.

Remarks

3.   Claims 4, 6, 8-10, 16-34, 38, 40-43, 47-53, and 56-66 have been canceled and
claims 67-68 were added to the instant application

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claims 1-3, 5, 7, 11-13, 35-37, 39, 44-46, 54-55, 67-68 rejected under 35 U.S.C. 102(e) as being unpatentable by Viswanath et al. Pub. No. (US 2004/0019662 A1)

As per **claim 1** Viswanath teaches in a monitoring architecture, a method, comprising:

assigning (FIG.8) each of a plurality of runtime beans (runtime bean 280 FIG.6) to a respective one or more of a plurality of resources (204 FIG.5) to be monitored (assigning runtime beans to monitor resources [0024] [0127 FIG.6), wherein each of the plurality of runtime beans (runtime bean 280 FIG.6) to provide monitoring (monitoring 232 FIG.6) information regarding each (meta information) of the respective one or more resources (resource 204 FIG.6) to be monitored to a monitor bean (monitor bean 212 FIG.6) associated with the runtime bean (280 FIG.6) assigned to the respective resource (204 FIG.6), the monitor bean (250 FIG.4) one of a plurality of monitor beans in the monitoring architecture (a set of monitor bean classes to monitor resource information [0024] [0047] [0068] FIG.4)

arranging the plurality of monitor beans ([0096] FIG.3) into a hierarchical tree structure (hierarchical relationships among the elements of the configuration data [0025] [0068] FIG.3) , wherein each of the monitor beans (monitor beans 224 FIG.6) to receive the monitoring information (meta-information 226 FIG.6) regarding the resource (resource 204 FIG.6) to be monitored from the runtime bean (runtime bean 280 FIG.6) assigned to the monitor bean(monitor bean 212 FIG.6) (each bean receive monitoring information regarding the data store from the runtime bean [0127] [0024] FIG.6), and

wherein each of the plurality of monitor beans (monitor beans 224 FIG.6) in the hierarchical tree structure to be individually represented as a tree node of the hierarchical tree structure (hierarchical relationships among the elements of the configuration data [0025] [0068] FIG.3)

monitoring (monitoring 232 FIG.6) the plurality of resources (resources 204 FIG.4) via the plurality of runtime beans (runtime bean 280 FIG.6) respectively assigned to the plurality of resources (assigning runtime beans to monitor resources [0024] [0127 FIG.6); and

receiving the monitoring (monitoring 232 FIG.6) information from the plurality of runtime beans (runtime bean 280 FIG.6) at the plurality of monitor beans (monitor beans 224 FIG.6) associated with the runtime beans (each bean receive monitoring information regarding the data store from the runtime bean [0127] [0128] FIG.6)   , wherein the tree node associated with each monitor bean within the hierarchical tree structure (hierarchical relationships among the elements of the configuration data [0025] [0068]) provides individual reporting of the corresponding resource based on the monitoring information received by the monitor bean represented by the tree node (generated bean provide reporting for each of the assigned corresponding monitored/managed resource 204 based on its meta-information 226 [0070] [0071] FIG.4)

As per **claim 2** Viswanath teaches the method of claim 1, further comprising:

receiving a notification (240 FIG.5) from the runtime beans signaling availability of the monitoring information (event notification mechanism indicating availability of information [0030] [0099] FIG.7); and

requesting (302 FIG.7) the monitoring information from the runtime beans 346 FIG.9) in response to receiving the notification (requesting information about the resource from runtime beans [0051] [0107] FIG.9)

As per **claim 3** Viswanath teaches the method of claim I, further comprising:

receiving a timer notification from a timer indicating availability of the monitoring information (event notification mechanism indicating availability of information [0078] [0132] FIG.7); and

requesting the monitoring information from the runtime beans in response to receiving the timer notification (requesting information about the resource from runtime beans [0051] [0113] FIG.10)

As per **claim 5** Viswanath teaches the method of claim 1, wherein the plurality of resources include one or more of Advanced Business Application Programming (ABAP) (222 [0027] [0050] FIG.4) resources (business logic application programming [0046] associated with an ABAP engine (management bean 212 [0091] FIG.3), and Java resources associated with a Java 2 Platform Enterprise Edition (J2EE) engine ([0010] [0094] FIG.4), kernel service resources, kernel interface resources, and kernel library resources ([0022] [0071])

As per **claim 7** Viswanath teaches the method of claim 1, further comprising communicatively interfacing (user interface 216 [0024] FIG.4) the hierarchical tree structure with a central database (central data store 204 [0018] [0080] FIG.4) and one or more client- level applications (client level applications [0027] [0053] FIGs.1) using a monitor service (232 FIG.6)

As per **claim 11** Viswanath teaches the method of claim 1, further comprising displaying (216 FIG.5) the monitoring information via a monitor viewer (information being displayed on the administrator User Interface [0046] FIG.5)

As per **claim 12** Viswanath teaches the method of claim 11, wherein the monitor viewer includes one or more of a customized visual administrator monitor viewer (customized administrator User Interface [0087] FIG.5), a Web-based monitor viewer [0124] and a Graphical User Interface (GUI)-based monitor viewer (216 [0124] FIG.5)

As per **claim 13** Viswanath teaches the method of claim 1, wherein the monitoring information includes one or more of a current monitoring status of the plurality of resources (generating components of the administrator to be used for monitoring and managing the system [0127] FIG.6), a monitoring history of the plurality of resources, and general information relating to the plurality of resources (monitoring meta-information [0024] [0046])

Claim Rejections - 35 USC § 103

5.   The text of those sections of Title 35, U.S. Code not included in this action can
be found in a prior Office action.

Claim(s) 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Viswanath et al. Pub. No. (US 2004/0019662 A1) in view of Sylor et al. Pub. No. (US
2002/0186238 A1).

As per **claim 14** Viswanath teaches the method of claim 13, but fails to teach
wherein the current monitoring status includes a color-coded indication of at least one of
status of a resource being monitored among the plurality of resources, wherein the
color-coded indication indicates the resource is nearing a critical value.

However, Sylor teaches a method for monitoring system resources whereas
the interface includes a color selected from a plurality of colors representing a severity
scale of the resource, associating the status with a severity includes using a status
metric associated with the monitored resource profile ([0020] [0058] [0117]) in order to
efficiently identify the monitored resources and maintain its status information ([0020]
[0058] [0117] FIG.6)

It would have been obvious to a person having ordinary skilled in the art at the
time the invention was made to have modified Viswanath by the teaching of Sylor to
efficiently identify the monitored resources and maintain their status information ([0020]
[0058] [0117] FIG.6)

As per **claim 15** Viswanath teaches the method of claim 13, but does not teach wherein the monitoring history includes monitoring history of the plurality of resources that is collected over a predetermined time period

However, Sylor teaches a method for monitoring system resources whereas the interface includes a color selected from a plurality of colors representing a severity scale of the resource, associating the status with a severity includes using a status metric associated with the monitored resource profile [0020] [0058] [0117] FIG.6)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Viswanath by the teaching of Sylor to efficiently identify the monitored resources and maintain their status information ([0020] [0058] [0117] FIG.6)

Claims 35-37, 39, 44-46, 45-55, 67-68 are related to the same limitation set for hereinabove, where the difference used is the phrase '"apparatus" in claims whereas the wordings of the claims were interchanged within the claim itself and some of the claims were presented as a combination of two or more previously presented claims. This change does *NOT* effect the limitation of the above treated claims. Adding these phrases to the claims and interchanging the wording *DID NOT* introduce new limitations to these claims, the citations from the prior art have been inserted as needed. Refer to the cited prior art for more details and further mapping. Therefore these claims were rejected for similar reasons as stated above.

Response to Argument

6.   Applicant's arguments with respect to the above treated claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7.   When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelnabi O. Musa whose telephone number is 571-2701901. The examiner can normally be reached on Monday thru Friday: 7:30am to 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-2726798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.   Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. M./
Examiner, Art Unit 2446

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446